

SN 10/740,486

December, 2007 Request for Reconsideration

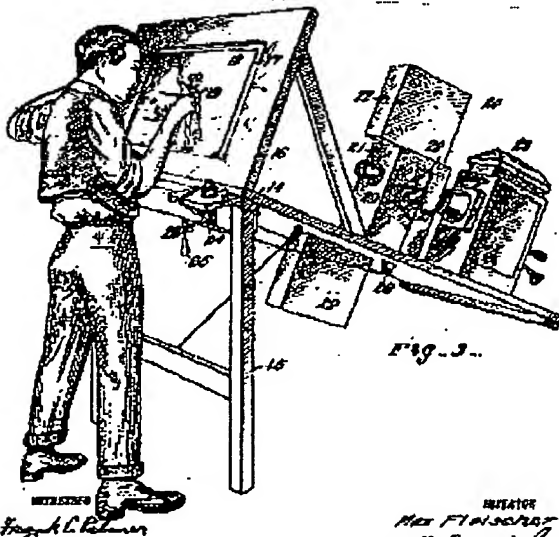
an outline in black. No color is involved. As a matter of fact as described in paragraph 0028 on page 2, and as emphasized by claim 40 of Abram et al, when a color is sampled the printer prints an index number with the name of the corresponding sampled color together with the coloring book image. There would be no reason to print an index number if the color itself was being printed. The line art images of Abram et al are simply black lines

The above-mentioned disclosures in Abram et al are completely consistent with producing a coloring book. As is well-known, and as judicial notice may be taken of, a coloring book does not have colors. The colors are provided by the user.

Thus Abram et al clearly do not disclose even the most basic feature of independent claims 1 and 24, namely a computer-controlled printer capable of printing at least three colors, and not disabling all of the colors besides black.

The Abram et al disclosure is also vastly different from the claimed invention in that it utilizes rotoscoping techniques. The line art image is rendered from the digital image -- as indicated at 910 in figure 9 -- by "any well-known rotoscoping technique" (paragraph 0025 of Abram et al). Rotoscoping has nothing to do with the claimed invention.

Rotoscoping was invented by Max Fleischer around 1915. The following image is from figure 3 of Fleischer's original patent, as reproduced from Wikipedia.com. As Fleischer invented it, rotoscoping consisted of projecting each movie frame onto a frosted glass easel from which an illustrator traced and redrew the image. (See the definition of rotoscoping at www.Techweb.com, copy attached).



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US patent 6061462 discloses a digital rotoscoping process. As disclosed by that patent, it is clear that the line art drawing produced in the rotoscoping process is not in any way done by disabling colors, or printing more than one color. Rather if an image is to be colored, it is done in a separate step (see block 18 in figure 1 of the 6061462 patent).

There is simply nothing in figure 9, or paragraphs 25, 29, 38, 39, or 40, of Abram et al [the only specific portions of Abram et al mentioned in the final rejection] which provides any relationship to the use of the particular color printer of claims 1 and 24, or the selective disabling and printing steps of claims 1 and 24.

With respect to independent claim 20, the statement in paragraph 19 bridging pages 5 and 6 of the final rejection is simply erroneous. There is no place in Abram et al where a thermal inkjet printer having an active black inkjet cartridge and a least one active primary color inkjet cartridge is provided. Specifically there is nothing in paragraphs 25 or 29, or in figure 9, or in paragraphs 38 to 40, of Abram et al than in any way mentions a thermal inkjet printer let alone one with the specific cartridges suggested in paragraph 19. It is respectfully submitted that all of the comments in paragraph 19 are simply made up. Absolutely no feature of claim 20 is shown in Abram et al.

Not only does Abram et al not show most of the mentioned features of the claimed invention, Abram et al is exactly contrary to the invention and is incapable of functioning as the claimed invention functions. For example, one of the main techniques utilized according to the invention -- which is illustrated in the color drawings of figures 6 through 9 of the instant application -- comprises removing black and near black from a digital image. What that then does leaves all the colored portions without clear lines of demarcation, providing the pseudo-abstract art of figures 7 and 9. Also see figure 21 of the instant application, which perhaps even more clearly illustrates this aspect of the invention. This is exactly opposite of what is provided according to the coloring book of Abram et al, wherein black outlines are provided and the colors removed.

With respect to the rejection of claim 11, Kohno is totally irrelevant. Kohno merely discloses the general concept of an ink jet printer. In the inkjet printer of Kohno, which has primary power-turn-on means for physically supplying power to the printer

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and secondary power-turn-on means for bringing the printer into a state where functions are enabled, ink consumption due to a suction recovery processing is reduced. The number of times that the secondary power supply is on is counted. The count value is stored in a non-volatile memory. It is judged whether the count value is above a predetermined value when the secondary power supply becomes on, if yes, the recovery processing is executed. The count value and the contents of the memory are then cleared. The counting is prohibited till primary power supply is off. As the above contents is retained even after the primary power supply is off, necessity of recovery processing when the secondary power supply becomes on is judged based on the state before the primary power supply was off. Kohno has no relevance to the invention except that it shows that ink jet printers with cartridges exist, something of course clearly admitted in applicant's specification since it is a new use of such a printer that one aspect of the invention contemplates.

Not only do the references not teach the claimed methods, there is absolutely no basis whatsoever by which one of ordinary skill in the art would seek to modify them to provide the invention. The references do not deal with the same proximate problem as the invention (see *In re Pye*, 148 USPQ 426, 429 (CCPA 1966)), do not achieve the advantages of producing distinctive works of art as does the invention (see *In re Gordon*, 221 USPQ 1125, 1127 (Fed Cir 1984)), nor even envision that the invention is possible (see *In re Luvisi*, 144 USPQ 646, 650 (CCPA 1965)).

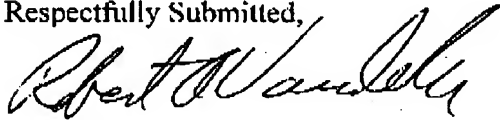
Not only are all of the features of the claimed invention set forth above not shown by the references even if modified or combined, there is no *prima facie* case of obviousness. When a claim is evaluated under 35 USC §103 the significant inquiry is whether the subject matter as a whole would have been obvious to one of ordinary skill in the art at the time the invention was made. *Graham v John Deere*, 383 US 1, 14 (1956), *In re Dembiczak*, 175 F.3d 994, 999 (Fed Cir 1999). The burden is on the PTO to provide the factual basis for obviousness, not on an applicant to prove non-obviousness. *In re Warner*, 379 F.2d 1011, 1017, 154 USPQ 173, 177-8 (CCPA 1967). Here the Action does not provide that factual basis. And as *In re Pye*, *supra*, *In re Gordon*, *supra*, and *In re Luvisi*, *supra*, make clear, the fact that the references are not concerned with the

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same proximate problem as the invention, do not achieve the advantageous artwork according to the invention, and do not even suggest specific critical elements of the invention, clearly indicate no obviousness.

Thus it is believed that the application is in clear condition for allowance.
Therefore early passage of all of the claims to issue is earnestly solicited.

Respectfully Submitted,



Robert A. Vanderhye
Reg. #27,076
801 Ridge Dr.
McLean, VA 22101-1625
703-442-0422

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Results found for: rotoscoping

rotoscoping

Creating animated characters by tracing an action movie with real actors frame by frame. Performed via the computer today, rotoscoping was originally accomplished in the early 1900s by projecting each movie frame onto a frosted glass case, from which the illustrator traced and redrew the image.

Rotoscoping can be used to create actual cartoons or to create cartoon-like movies in which the actors are recognizable and the venues seem real, but the entire motion picture has a cartoon-like quality.

Adding Cartoons

Rotoscoping is also used to superimpose cartoon images into a real movie, where cartoon-drawn people, animals and objects intermix with human characters.